DOCUMENT RESUME

ED 166 742 CS 502 374

AUTHOR	Kelly, Margie
TITLE	Public Records and Public Meetings.
INSTITUTION	Freedom of Information Center, Columbia, Mo.
REPORT NO	FOI-397
PUB DATE	Dec 78
NOTE	19p.
EDRS PRICE	MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS	*Communication (Thought Transfer); *Disclosure; *Government Publications; *Information Dissemination; Meetings; Public Policy; *State Legislation
IDENTIFIERS	Freedom of Information

ABSTRACT

This publication of the Freedom of Information Center begins with a discussion of the issue of public records and public meetings. It then gives a brief state-by-state description of the laws concerning public records and public meetings in all 50 states and the District of Columbia, including comments by the author and a note of the last year the laws were acted on by each state. (TJ)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED166742

SCHOOL OF JOURNALISM, UNIVERSITY OF MISSOURI AT COLUMBIA
December, 1978

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

FREEDOM OF INFORMATION CENTER REPORT NO. 397

PUBLIC RECORDS AND PUBLIC MEETINGS

This report was prepared by Margie Kelly, an M.A. candidate at the University of Missouri School of Journalism.

> "When I use a word," Humpty Dumpty said, in a rather scornful tone, "it means just what I choose it to mean — neither more nor less."
>
> "The question is," said Alice, "whether you can make words mean so many different things."
>
> "The question is," said Humpty Dumpty, "which is to be master — that is all."
>
> — Lewis Carroll, **Through the Looking Glass**

In the world of law, as in the world of the looking glass, words mean exactly what lawmakers choose them to mean, neither more nor less. Thus what may seem to be very simple words, such as "meeting" and "record," are often not simple at all. Is a party a meeting? What about a conference call?

How state legislators answer these questions determines how their states define public meetings and public records. And as the variety of definitions shown on the following pages demonstrate, there is a wide range of opinion. The differences, of course, go beyond mere semantics, for definitions form the backbone of access laws.

What is a public meeting? What is a public record? And who are the public bodies conducting those meetings and possessing those records? These are often the central questions of access. And the answers one receives depend on where one asks the questions. Concerning this arbitrary nature of access, Harold Cross wrote in **The People's Right to Know:**

> The right to inspect a record, as [a] matter of freedom of information, should not depend on the accident of a statute pertaining to it or upon the intent with which the record was made. The right should depend on the status of the document as a record of exercise of official functions.

It is a useful rule of thumb Cross offers, to determine access by whether a record or meeting concerns the "exercise of official functions." In practice, however, access depends more on "the accident of a statute," for a record open in one state can be closed in another.

On the topic of defining public bodies, universities offer a good example of the problems involved. Some states specifically include universities in their definitions; others exclude them. And many leave the matter up to the courts, where a difference of opinion also exists. In North Carolina, for example, the Supreme Court ruled (**U.S. Law Week**, 1-10-78) that the faculty of a state-run law school is not a governmental body and need not comply with the open meeting law. At the University of Montana, on the other hand, lawyers said the Academic Review and Planning Committee is almost certainly a public body, and thus should open its records and meetings to the public.

In a similar but more ambiguous area, a Kentucky judge ruled (**Louisville Courier-Journal**, 6-10-78) that a private corporation that manages the University of Louisville's grants and endowments is not a public agency, despite the fact that all of the university's trustees are members of that corporation.

In defining what a public meeting is, the states confront another set of problems. For example, can a luncheon be considered a meeting? Some people in Indiana seem to think so, for it was at lunch that county commissioners and a county hospital board met to discuss a transfer of property. And it was also at lunch that a county commissioner and judges made decisions on a new juvenile detention center.

To accommodate situations like these, many states now include social gathering clauses in their definitions of public meetings. Typically, the clauses state that social gatherings do not constitute meetings as long as they are not used to circumvent the intent of the law.

Going one step further, some states include provisions for both "corporeal and electronic" meetings, for in at least one case meetings-by-telephone have posed problems. In North Dakota, the attorney general ruled (**NDNA Service Bulletin**, 9-16-78) that telephone conversations are not legal meetings of a board and make open meeting laws impossible to comply with. As a state representative said, "How can the public or the press attend a conference call?"

On the question of what records are to be public, problems often arise because of public interest clauses. In South Carolina, as in other states, the public records law states that records can be withheld if it is shown that the public interest is best served by nondisclosure. Cheraw Mayor Charles R. Jackson used (**South Carolina Newspaper**, 6-78) this clause to deny access to the salaries of city employees. His reason?

Summary: In FoI cases, the right of access often comes down to basic questions: What is a public record? What is a public meeting? This report offers an up-to-date look at how the different states define these terms in their access laws.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Freedom of Information Center

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC) AND USERS OF THE ERIC SYSTEM."

CS502374

"We do not want their salaries bandied up and down the streets and have private industry, which can pay higher wages, come in and pick us clean of good employees."

Clearly, defining open meetings and open records is not a simple matter. And because of the difficulties, it is an area that changes rapidly, with new amendments and new laws being passed every year. The definitions that are shown here are the most up-to-date available, drawn from current state access laws. The years shown in parentheses indicate the last time the law was acted on by the state legislature, and may refer to either the date of original passage or the date of the most recent amendment. To aid the reader, the author's comments are shown in boldface type to distinguish them from the actual text of the laws.

ALABAMA

Public Records (1945)

Public record provisions of Alabama law use the term "public writing," but no definition is offered. The law states simply:

"Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute."

Public Meetings (1946)

Offering no formal definition of "meeting," Alabama law provides only that executive or secret sessions of certain boards are forbidden:

"No executive or secret session shall be held by any of the following named boards, commissions or courts of Alabama, namely: The Alabama public service commission, school commissions of Alabama, board of adjustment, state or county tax commissions, any court of county commissioners or board of revenue, any city commission or municipal council, or any other body, board or commission in the state charged with the duty of disbursing any funds belonging to the state, county or municipality, or board, body or commission to which is delegated any legislative or judicial function; except that executive or secret sessions may be held by any of the above named boards or commissions when the character or good name of a woman or man is involved."

ALASKA

Public Records (1968)

"Unless specifically provided otherwise the books, records, papers, files, accounts, writings, and transactions of all agencies and departments are public records. . . ."

Public Meetings (1976)

"All meetings of a legislative body, of a board of regents, or of an administrative body, board, commission, committee, subcommittee, authority, council, agency, or other organization, including subordinate units of the above groups, of the state or any of its political subdivisions, including but not limited to municipalities, boroughs, school boards, and all other boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions or organizations, advisory or otherwise, of the state or local government supported in whole or in part by public money or authorized to spend public money are open to the public. . . ."

ARIZONA

Public Records (1975)

Arizona law uses the term "public record" witnout a formal definition. It does provide, however, that:

"All officers and public bodies shall maintain all records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by funds from the state or any political subdivison thereof."

The terms "officer" and "public body" are defined as follows:

" 'Officer' means any person elected or appointed to hold any elective or appointive office of any public body and any chief administrative officer, head, director, superintendent or chairman of any public body.

" 'Public body' means the state, any county, city, town, school district, political subdivision or tax-supported district in the state, any branch, department, board, bureau, commission, council or committee of the foregoing, and any public organization or agency, supported in whole or in part by funds from the state or any political subdivision thereof, or expending funds provided by the state or any political subdivision thereof."

Public Meetings (1978)

" 'Meeting' means the gathering of a quorum of members of a public body to propose or take legal action, including any deliberations with respect to such action.

" 'Public body' means the governing bodies and all boards and commissions which are supported in whole or in part by tax revenues or which expend tax revenues, of the state, its political subdivisions, incorporated cities and towns, and any standing, special or advisory committee or subcommittee of, or appointed by, such governing body, board or commission. 'Public body' also includes any quasi-judicial body of the state, its political subdivisions or incorporated cities and towns.

" 'Quasi-judicial body' means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims."

ARKANSAS

Public Records (1977)

" 'Public records' are writings, recorded sounds, films, tapes, or data compilations in any form

"(a) required by law to be kept, or

"(b) otherwise kept and which constitute a record of the performance or lack of performance of official functions which are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds.

"All records maintained in public offices or by public employees within the scope of their employment shall be

presumed to be public records. Provided, that compilations, lists, or other aggregations of 'personal information,' determined to be confidential by the State Information Practices Board. . . shall not be considered to be 'Public Records' within the terms of this Act and shall not be supplied to private individuals or organizations."

Public Meetings (1977)

" 'Public meetings' are the meetings of any bureau, commission or agency of the State, or any political subdivision of the State, including municipalities and counties, boards of education, and all other boards, bureaus, commissions or organizations in the State of Arkansas, except grand juries, supported wholly or in part by public funds, or expending public funds."

CALIFORNIA

Public Records (1975)

" 'Public records' includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

" 'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. . . .

" 'State agency' means every state office, officer, department, division, bureau, board, and commission or other state agency, except those agencies provided for in Article IV (Except Section 20 thereof) or Article VI of the California Constitution.

" 'Local agency' includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; or other local public agency."

Public Meetings (1975)

There are several parts of California law that deal with open meetings. Most comprehensive are the Ralph M. Brown Act, covering local meetings, and the State Agency Act, covering state-level meetings.

The Ralph M. Brown Act (1975) provides that "All meetings of the legislative body of a local agency shall be open. . . ." The act does not define "meeting," but other definitions are as follows:

" '[L]ocal agency' means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency. . . .

"[T]o the extent not inconsistent with federal law, the term 'local agency' shall include all private nonprofit organizations that receive public money to be expended for public purposes pursuant to the 'Economic Opportunity Act of 1964.'

" 'Local agency' includes any nonprofit corporation, created by one or more public agencies, whose board of directors is appointed by such public agencies and which is formed to acquire, construct, reconstruct, maintain or operate any public work project.

"As used in this chapter, 'legislative body' means the governing board, commission, directors or body of a local agency, or any board or commission thereof, and shall include any board, commission, committee, or other body on which officers of a local agency serve in their official capacity as members and which is supported in whole or in part by funds provided by such agency, whether such board, commission, committee or other body is organized and operated by such local agency or by a private corporation.

"As used in this chapter 'legislative body' also includes any advisory commission, advisory committee or advisory body of a local agency, created by charter, ordinance, resolution, or by any similar formal action of a governing body or member of such governing body of a local agency.

"Meetings of such advisory commissions, committees or bodies concerning subjects which do not require an examination of facts and data outside the territory of the local agency shall be held within the territory of the local agency and shall be open. . . .

" 'Legislative body' as defined in this section does not include a committee composed solely of members of the governing body of a local agency which are less than a quorum of such governing body. . . .

"As used in this chapter 'legislative body' also includes, but is not limited to, planning commissions, library boards, recreation commissions, and other permanent boards or commissions of a local agency."

California's State Agency Act (1975) provides that "All meetings of a state agency shall be open. . . ." The definitions offered are as follows:

"As used in this article 'state agency' means every state board, or commission, or similar multimember body of the state which is required by law to conduct official meetings, but does not include state agencies provided for in Article VI of the California Constitution nor districts or other local agencies whose meetings are required to be open to the public pursuant to the provisions of Chapter 9. . . of Part 1 of Division 2 of Title 5 of this code.

"Under the provisions of this article, the official student body organization at any campus of the California State University and Colleges, or of the California Community Colleges, shall be treated in the same manner as a state agency. . . .

"The provisions of this article shall apply to every state agency unless the agency is specifically excepted by law."

Other provisions for open meetings are found in California's Education Code, which provides for open meetings of the Regents of the University of California, and of the governing board of any school district. In addition, the state Government Code provides that:

"All meetings of the Assembly and Senate and the committees and subcommittees thereof, and any conference committee, shall be open."

COLORADO

Public Records (1969)

"The term 'public records' means and includes all writings made, maintained or kept by the state or any agency, institution, or political subdivision thereof for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of

public funds.

"The term 'writings' means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics.

"The term 'political subdivision' means and includes every county, city and county, city, town, school district, and special district within the state."

Public Meetings (1977)

"All meetings of two or more members of any board, committee, commission, or other policy-making or rule-making body of any state agency or authority or of the legislature at which any public business is discussed or at which any formal action is taken by such board, committee, commission, or other policy-making or rule-making body are declared to be public meetings open to the public at all times, except as may be otherwise provided in the constitution."

CONNECTICUT

Public Records and Meetings (1975)

" 'Meeting' means any hearing or other proceeding of a public agency and any convening or assembly of a quorum of a multi-member public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power, but shall not include any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business. 'Meeting' shall not include strategy or negotiations with respect to collective bargaining nor a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency. 'Caucus' means a convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision. . . .

" 'Public records or files' means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method. . . .

"[A]ll records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records. . . .

" 'Public agency' or 'agency' means any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission or official of the state or of any city, town, borough, municipal corporation, school district, regional district or other district or other political subdivision of the state, and also includes any judicial office, official or body of the court of common pleas, probate court and juvenile court but only in respect to its or their administrative functions."

DELAWARE

Public Records and Meetings (1976)

" 'Public record' is written or recorded information made or received by a public body relating to public business. . . .

" 'Meeting' means the formal or informal gathering of a quorum of the members of any public body for the purpose of discussing or taking action on public business. . . .

" 'Public body' means any regulatory, administrative, advisory, executive or legislative body of the State or any political subdivision of the State including, but not limited to, any board, bureau, commission, department, agency, committee, counsel, legislative committee, association, or any other entity established by an act of the General Assembly of the State of Delaware, which (1) is supported in whole or in part by public funds; or (2) expends or disburses public funds; or (3) is specifically charged by any other public body to advise or make recommendations. . . .

" 'Public body,' 'Public record' and 'Meeting' shall not include activities of the Farmers Bank of the State of Delaware or the University of Delaware, except that the Board of Trustees of the University shall be a 'public body,' and University documents relating to the expenditure of public funds shall be 'public records,' and each meeting of the full Board of Trustees shall be a meeting."

DISTRICT OF COLUMBIA

Public Records (1976)

"[T]he term 'public record' includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by the Mayor and agencies. . . .

"the term 'agency' includes both subordinate agency and independent agency;

"the term 'subordinate agency' means any officer, employee, office, department, division, board, commission, or other agency of the government of the District, other than an independent agency or the Mayor or the Council, required by law or by the Mayor or the Council to administer any law or any rule adopted under the authority of a law;

"the term 'independent agency' means any agency of the government of the District with respect to which the Mayor and the Council are not authorized by law, other than this subchapter, to establish administrative procedures, but does not include the several courts of the District and the District of Columbia Tax Court. . . ."

Public Meetings (1973)

Offering no definitions, the provisions for public meetings state simply:

"All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public."

FLORIDA

Public Records (1973)

" 'Public records' shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

" 'Agency' shall mean any state, county or municipal

officer, department, division, board, bureau, commission or other separate unit of government created or established by law."

Public Meetings (1978)

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or any political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings. . . ."

GEORGIA

Public Records (1975)

"All State, county and municipal records, except those, which by order of a court of this State or by law, are prohibited from being open to inspection by the general public, shall be open for a personal inspection of any citizen of Georgia at a reasonable time and place, and those in charge of such records shall not refuse this privilege to any citizen."

Public Meetings (1972)

"All meetings of any State department, agency, board, bureau, commission or political subdivision and the governing authority or any department, agency, board, bureau, commission or political subdivision of any county, municipal corporation, board of education or other political subdivision, and any State or local housing authority at which official actions are to be taken are hereby declared to be public meetings and shall be open to the public at all times."

HAWAII

Public Records (1975)

" '[P]ublic records' means any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which an entry has been made or is required to be made by law, or which any public officer or employee has received or is required to receive for filing, but shall not include records which invade the right of privacy of an individual."

Public Meetings (1975)

" 'Meeting' means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. . . .

" 'Board' means any agency, board, commission, authority, or committee of the State or its political subdivisions, either legislative or executive, permanent or temporary."

Hawaii's open meeting requirements exclude chance meetings, as long as such meetings are not used to circumvent the spirit of the law. A "chance meeting" is defined as:

"[A] social or informal assemblage of two or more members at which matters relating to official business are not discussed."

IDAHO

Public Records (1974)

"The term 'public records' as used in the act, means any written or printed book, or paper or document or map, or drawing which is the property of the state, not including any county, city, town, school corporation, or political subdivision thereof, and in or on which any entry has been made by law, or which any officer or employee of the state has received or is required to receive for filing."

Public Meetings (1974)

" 'Meeting' means the convening of a governing body of a public agency to make a decision or to deliberate toward a decision on any matter.

" '[R]egular meeting' means the convening of a governing body of a public agency on the date fixed by law or rule, to conduct the business of the agency.

" '[S]pecial meeting' is a convening of the governing body of a public agency pursuant to a special call for the conduct of business as specified in the call.

" 'Decision' means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present. . . .

" 'Public agency' means:

"(a) any state board, commission, department, authority, educational institution or other state agency which is created by or pursuant to statute, other than courts and their agencies and divisions, and the judicial council, and the district magistrates commission;

"(b) any regional board, commission, department or authority created by or pursuant to statute;

"(c) any county, city, school district, special district, or other municipal corporation or political subdivision of the state of Idaho;

"(d) any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act.

" 'Governing body' means the members of any public agency which consists of two (2) or more members, with the authority to make decisions for or recommendations to a public agency regarding any matter."

ILLINOIS

Public Records (1975)

" 'Public records' means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, and recorded information and all other documentary materials, regardless of physical form or characteristics, having been or being prepared, used, received, in the possession of, or under the control of any public body. . . .

" 'Public body' means every State office, agency, department, division, bureau, board and body; every legislative board, commission, committee, and every officer thereof; every county and city governing body or council; every school district, special district, municipal corporation, unit of local government, and every office, agency, council, department, division, bureau, board, body, commission and committee thereof; and any other body or person established

or created by, or which is primarily funded by, this State or any unit of local government or school district of this State and any officer or employee of any of the above. For the purposes of the Act, 'public body' does not include the courts."

Public Meetings (1977)

"All meetings of any legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, shall be public meetings. . . ."

INDIANA

Public Records (1971)

"The term 'public records' shall mean any writing in any form necessary, under or required, or directed to be made by any Statute or by any rule or regulation of any administrative body or agency of the state or any of its political sub-divisions."

Public Meetings (1977)

" 'Meeting' means a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business. It does not include: (i) any social or chance gathering not intended to avoid the provisions of this chapter; (ii) any on-site inspection of any project or program, (iii) traveling to and attending meetings of organizations devoted to betterment of government or (iv) a caucus.

" 'Public agency' means:

"(1) any board, commission, department, agency or authority, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state;

"(2) any county, township, school corporation, city, town, political subdivision, or other entity, by whatever name designated, exercising in a limited geographical area the executive, administrative, or legislative power of the state or a delegated local governmental power;

"(3) any entity which is subject to either: (i) budget review by either the state board of tax commissioners or the governing body of a county, city, town, township, or school corporation; or (ii) audit by the state board of accounts;

"(4) any not-for-profit corporation which is created by one (1) or more public agencies, whose governing body is appointed by such public agencies, and which is formed to acquire, construct, maintain or operate any grounds, buildings, structures, or facilities; or

"(5) any advisory commission, committee, or body created by statute, ordinance, or executive order to advise the governing body of a public agency, except medical staffs or their committees of any such staff.

" 'Governing body' means the board, commission, council, or other body of a public agency which takes official action upon public business and includes any committee appointed by the governing body to which authority to take official action upon public business has been delegated. . . .

" 'Caucus' means a gathering of members of a political organization or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action."

IOWA

Public Records (1975)

"Wherever used in this Act, 'public records' includes all records and documents of or belonging to this state or any county, city, town, township, school corporation, political subdivision, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing."

Public Meetings (1978)

" 'Meeting' means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this Act.

" 'Governmental body' means:

"a. A board, council, commission or other governing body expressly created by the statutes of this state or by executive order.

"b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

"c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs 'a' and 'b' of this subsection.

"d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities."

KANSAS

Public Records (1957)

" 'Records' mean originals or copies of written or printed books, documents, correspondence, papers, maps, drawings, charts, indexes, plans, memoranda, sound recordings, motion picture or other photographic records which are the property of any department, officer, board, commission or agency of the state. . . .

"All official public records of the state, counties, municipalities, townships, school districts, commissions, agencies, and legislative bodies, which records by law are required to be kept and maintained, except those of the juvenile court which shall be open unless specifically closed by the judge or by law, adoption records, records of the birth of illegitimate children, and records specifically closed by law or by directive authorized by law, shall at all times be open. . . ."

Public Meetings (1977)

"Except as otherwise provided by state or federal law or by rules of the house or senate, and except with respect to any impeachment inquiry or other impeachment matter re-

ferred to any committee of the house of representatives prior to the report of such committee to the full house of representatives, all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such bodies shall be by secret ballot, but any administrative body that is authorized by law to exercise quasi-judicial functions shall not be required to have open meetings when such body is deliberating matters relating to a decision involving such quasi-judicial functions."

KENTUCKY

Public Records (1976)

" 'Public records' means all books, papers, maps, photographs, cards, tapes, discs, recordings or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency. 'Public record' shall not include any records owned by a private person or corporation that are not related to functions, activities, programs or operations funded by state or local authority.

" 'Public agency' means every state or local officer, state department, division, bureau, board, commission and authority; every legislative board, commission, committee and officer; every county and city governing body, council, school district board, special district board, municipal corporation, court or judicial agency, and any board, department, commission, committee, subcommittee, ad hoc committee, council or agency thereof; and any other body which is created by state or local authority in any branch of government or which derives at least twenty-five percent (25%) of its funds from state or local authority."

Public Meetings (1974)

" 'Meeting' means all gatherings of every kind, regardless of where the meeting is held, and whether regular or special and information or casual gatherings held in anticipation of or in conjunction with a regular or special meeting;

" 'Public agency' means any state legislative, executive, administrative or advisory board, commission, committee, policy making board of an institution of education or other state agency which is created by or pursuant to statute or executive order, (other than judicial or quasi-judicial bodies); any county, city, school district, special purpose district boards, public commissions, councils, offices or other municipal corporation or political subdivision of the state; any committee, ad hoc committee, subcommittee, subagency or advisory body of a public agency which is created by or pursuant to statute, executive order, local ordinance or resolution or other legislative act, including but not limited to planning commissions, library or park boards and other boards, commissions and agencies;

" 'Action taken' means a collective decision, a commitment or promise to make a positive or negative decision, or an actual vote by a majority of the members of the governmental body."

LOUISIANA

Public Records (1972)

"All records, writings, accounts, letters and letter books, maps, drawings, memoranda, and papers, and all copies or duplicates thereof, and all photographs or other similar reproduction of the same, having been used, being in use, or prepared for use in the conduct, transaction or performance of any business, transaction, work, duty or function which was conducted, transacted or performed by or under the authority of the Constitution or the laws of this state, or the ordinances or mandates or orders of any municipal or parish government or officer, or any board or commission or office established or set up by the Constitution or the laws of this state, or concerning or relating to the receipt or payment of any money received or paid by or under the authority of the Constitution or the laws of this state are public records. . . .

"This Chapter shall not apply to any of the books, records, writings, accounts, letters, letter books, photographs or copies thereof, ordinarily kept in the custody or control of the governor in the usual course of the duties and business of his office."

Public Meetings (1976)

" 'Meetings' mean the official convening of town and city councils, police juries and other governing bodies; school boards and boards of levee and port commissioners; boards of publicly operated utilities; and all state, parish, district or municipal boards or authorities with policy making or administrative functions which receive or expend tax funds, the Legislature specifically exempted, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. Such meetings shall be open to the public."

MAINE

Public Records (1976)

"The term 'public records' shall mean any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business. . . ."

Public Meetings (1976)

"The term 'public proceedings' as used in this subchapter shall mean the transactions of any functions affecting any or all citizens of the State by any of the following:

"A. The Legislature of Maine and its committees and subcommittees;

"B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine and the Board of Trustees of the Maine Maritime Academy; and

"C. Any board, commission, agency or authority of any county, municipality, school district or any other political or administrative subdivision."

MARYLAND

Public Records (1978)

" 'Public records' when not otherwise specified shall include any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing, or other written document, regardless of physical form or characteristics, and including all copies thereof, that have been made by any branch of the State government, including the legislative, judicial, and executive branches, by any branch of a political subdivision, and by any agency or instrumentality of the State or a political subdivision, or received by them in connection with the transaction of public business. The term 'public records' also includes the salaries of all employees of the State, of a political subdivision, and any agency or instrumentality thereof, both in the classified and nonclassified service. . . .

" 'Political subdivision' means and includes every county, city and county, city, incorporated and unincorporated town, school district, and special district within the State."

Public Meetings (1976, 1977)

Open meetings in Maryland are governed by a state statute, as well as by a gubernatorial Executive Order, which applies to the extent that it is stricter than the statute.

The definitions offered in the Executive Order (1976) are as follows:

" 'Meeting' means the convening of a quorum of the constituent membership of an executive public body at the instance of the executive public body or a member of it for the purpose of transacting public business. It does not include chance encounters or social gatherings of such members not designed for the purpose of transacting public business.

" 'Executive public body' means an entity consisting of two or more persons that:

"(1) is created by or pursuant to statute enacted by the General Assembly, or by Executive Order of the Governor; and

"(2) is part of the Executive Branch of the State Government. The term 'executive public body' does not include the Governor's Executive Council (Cabinet) created by Article 41, Section 44 of the Code, or an entity created solely to make nominations or recommendations of persons for appointment by an executive public body or by an official of the Executive Department."

Under the state statute (1977), meetings of a public body are required to be open when the body:

"is exercising legislative, quasi-legislative or advisory functions. This subtitle shall not apply to a public body when exercising executive, judicial or quasi-judicial functions; the Governor's executive council or its counterpart in local government, or any committee of the council or its counterpart; or the Board of Public Works, except when meeting at an official and formal meeting."

The definitions offered under the state statute are as follows:

" 'Meeting' means the convening of a quorum of the constituent membership of a public body for the purpose of considering or transacting public business. It does not include chance encounters, social gatherings, or other occasions which are not designed or intended for the purpose of circumventing the provisions of this subtitle.

" 'Public body' means an entity consisting of two or more persons that is created by the State Constitution, by State statute, local charter or ordinance, or rule, resolution or bylaw, or by executive order of the Governor or the chief executive authority of a political subdivision of the State.

" 'Advisory function' means the study, evaluation, or the making of recommendations on matters of public concern pursuant to an official delegation of responsibility in the form of a constitutional or charter provision, law, statute, resolution, ordinance, order, rule, regulation, or other formal action by or on behalf of a public body which exercises legislative, quasi-legislative, executive, judicial or quasi-judicial functions, or by the Governor or the chief executive of a political subdivision of the State.

" 'Executive function' means the administration or application by a public body of the laws of the State or a political subdivision of the State, or of the rules, regulations, or bylaws of a public body. However, it does not include an action included within the definition of advisory, legislative, quasi-legislative, judicial, or quasi-judicial function.

" 'Judicial function' means the power, including but not limited to Article IV, S. 1 of the State Constitution, exercised by the judicial branch of the government. The term includes the functions exercised by grand and petit juries, the Commission on Judicial Disabilities, and the judicial nominating commissions, but does not include the function exercised by courts in making rules which is deemed a quasi-legislative function.

" 'Legislative function' means the approval, disapproval, enactment, amendment or repeal or the process of approving, disapproving, enacting, amending or repealing by any public body of any law, statute, resolution, ordinance, or other measure to set public policy; the approval or disapproval or the process of approving or disapproving by any public body of any appointment; the proposing or the process of proposing by a public body of any Constitution, constitutional amendment, charter, or charter amendment; or the ratification or process of ratifying by any public body of any constitution or constitutional amendment.

" 'Quasi-judicial function' means the determination of a contested case to which the provisions of the Administrative Procedure Act or Chapter 1100, Subtitle b, of the Maryland Rules are applicable.

" 'Quasi-legislative function' means

"(1) The adoption, amendment, disapproval or repeal of a rule, regulation, or bylaw having the force of law by a public body, or the process of doing so;

"(2) The approval, disapproval, or amendment of a contract or a budget by a public body, or the process of doing so."

MASSACHUSETTS

Public Records (1973)

" 'Public records' shall mean all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose. . . .

"Nothing in this section shall affect judicial or legislative records, lessen the existing powers of the executive office for administration and finance, or compel any agency, executive office, department, board, commission, bureau, division or

authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the General Court to serve a public purpose to surrender records it deems of current use."

Public Meetings (1978)

Open meetings laws in Massachusetts contain separate sections for meetings at state, county and local levels. Under all three sections, "meeting" is defined as:

"[A]ny corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program."

Also, all three sections contain a provision concerning chance meetings:

"This section shall not apply to any chance meeting or social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction, or advisory power."

In the sections governing meetings at the state level, "governmental body" is defined as:

"[A] state board, committee, special committee, subcommittee or commission, however created or constituted within the executive or legislative branch of the commonwealth or the governing board or body of any authority established by the general court to serve a public purpose in the commonwealth or any part thereof, but shall not include the general court or the committees or recess commissions thereof, or bodies of the judicial branch, or any meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it, nor shall it include the board of bank incorporation, the state tax commission and the General Insurance Guaranty Fund."

In the sections governing meetings at the county level, "governmental body" is defined as:

"[A] county board, commission, committee and subcommittee."

In the sections governing meetings at the level of cities, towns and districts, "governmental body" is defined as:

"[E]very board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority."

MICHIGAN

Public Records (1973)

Michigan law offers no specific definition of "open records," but partial definitions are implied in the different access provisions:

"Any officer having the custody of any county, city or township records in this state who shall when requested fail or neglect to furnish proper and reasonable facilities for the inspection and examination of the records and files in his office and for making memoranda of transcripts therefrom during the usual business hours, which shall not be less than 4 hours per day, to any person having occasion to make examination of them for any lawful purpose shall be guilty of a misdemeanor. . . .

"The legislature shall provide by law for the keeping of accounts by all state officials, boards and institutions, and by all county officials; and shall also provide for the supervision and audit thereof by competent state authority and for uniform reports of all public accounts to such authority. Such systems of account shall provide for accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all such officials, boards and institutions; and shall be uniform for all similar boards, institutions and county officials. All public accounts and the audit thereof shall be public records and open to inspection. . . .

"[T]he registers of deeds in this state shall furnish proper and reasonable facilities for the inspection and examination of the records and files in their respective offices, and for making memorandums or transcripts therefrom during the usual business hours, to all persons having occasion to make examination of them for any lawful purpose."

Public Meetings (1976)

" 'Meeting' means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

" 'Public body' means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee thereof performing an essential public purpose and function pursuant to the lease agreement.

" 'Decision' means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy. . . .

"This act shall not apply to judicial proceedings but shall apply to a court while exercising rule-making authority and while deliberating or deciding upon the issuance of administrative orders. . . .

"This act shall not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act."

MINNESOTA

Public Records (1976)

Minnesota law includes no separate, formal definition of "public records" but indicates they shall include:

"[W]ritten or printed books, papers, letters, contracts, documents, maps, plans, and other records made or received pursuant to law or in connection with the transaction of public business."

The law also provides that:

"All officers and agencies of the state, and all officers and agencies of the counties, cities and towns, shall make and keep all records necessary to a full and accurate knowledge of their official activities."

These records shall be public, the law indicates.

Public Meetings (1976)

"Except as otherwise expressly provided by statute, all

meetings, including executive sessions, of any state agency, board, commission or department when required or permitted by law to transact public business in a meeting, and the governing body of any school district however organized, unorganized territory, county, city, town, or other public body, and of any committee, subcommittee, board, department or commission thereof, shall be open to the public, except meetings of the board of pardons and the corrections board."

MISSISSIPPI

Public Records (1962)

Under Mississippi law, the sole provision for access to public records is the statute that opens chancery court records:

"It shall be the duty of the clerk of the chancery court to whom any written instrument is delivered to be recorded, and which is properly recordable in his county, to record the same without delay in a well bound book of good paper . . . together with the acknowledgments of proofs and the certificates thereof, and also the plats of surveys, schedules, and other papers thereto annexed. . . every person shall have access, at proper times, to such books, and be entitled to transcripts from the same on paying the lawful fees."

Public Meetings (1975)

" 'Meeting' shall mean an assemblage of members of a public body at which official acts may be taken upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

" 'Public body' shall mean: (i) any executive or administrative board, commission, authority, council, department, agency, bureau, or any other policy-making entity, or committee thereof, of the State of Mississippi, or any political subdivision or municipal corporation of the state, whether such entity be created by statute or executive order, which is supported wholly or in part by public funds or expends public funds, and (ii) any standing, interim or special committee of the Mississippi Legislature. There shall be exempted from the provisions of this chapter the judiciary, including all jury deliberations, public and private hospital staffs, public and private hospital boards and committees thereof, law enforcement officials, the military, the state probation and parole board, the workmen's compensation commission, legislative subcommittees and legislative conference committees."

MISSOURI

Public Records and Meetings (1973)

" 'Public governmental body,' any constitutional or statutory governmental entity, including any state body, agency, board, bureau, commission, committee, department, division, or any political subdivision of the state, of any county or of any municipal government, school district or special purpose district, and any other governmental deliberative body under the direction of three or more elected or appointed members having rulemaking or quasi-judicial power;

" 'Public meetings,' any meeting, formal or informal, regular or special, of any public governmental body, at which any public business is discussed, decided or public policy formulated;

" 'Public record,' any record retained by or of any public governmental body. . . ."

MONTANA

Public Records (1895)

"Public writings are: (1) The written acts or records of the acts of the sovereign authority, of official bodies and tribunals, and of public officers, legislative, judicial, and executive, whether of this state, of the United States, of a sister state, or of a foreign country; (2) Public records, kept in this state, of private writings. . . . All other writings are private."

Public Meetings (1975)

"All meetings of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organization or agencies supported in whole or in part by public funds, or expending public funds, at which any action is taken by such public governmental body, board, bureau, commission or agency of the state or any political subdivision of the state shall be open to the public."

NEBRASKA

Public Records (1961)

Nebraska law offers no formal definition of "public records," but provides only that:

"Every state, county, or political subdivision officer having the custody of a public record or writing is bound to give any person on demand a certified copy thereof on payment of the legal fees therefor. . . ."

In the way of further definition the law provides:

"This act shall be liberally construed whenever any state, county or political subdivision fiscal records, audit, warrant, voucher, invoice, purchase order, requisition, payroll, check, receipt or other record of receipt, cash or expenditure involving public funds is involved in order that the citizens of this state shall have full rights to know of, and have full access to information on the public finances of the government and the public bodies and entities created to serve them."

Public Meetings (1975)

"Meeting shall mean all regular, special, or called meetings of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action.

"Public body shall mean (a) governing bodies of all political subdivisions of the State of Nebraska, (b) governing bodies of all agencies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (c) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, (d) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, and (e) advisory committees of the bodies

referred to in subdivisions (a), (b) and (c) of this subdivision. This act shall not apply to subcommittees of such bodies unless such subcommittees have been given authority to take formal action on behalf of their parent body or to judicial proceedings, unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders. . . .

"The public shall be admitted to all meetings of the State Board of Education except to such closed sessions as the board may direct in accordance with this act. . . .

"All meetings of the Board of Regents shall be open to the public. The board may hold closed sessions in accordance with this act."

NEVADA

Public Records (1961)

"All public books and public records of state, county, city, district, governmental subdivision and quasi-municipal corporation officers and offices of this state (and all departments thereof), the contents of which are not otherwise declared by law to be confidential, shall be open. . . ."

Public Meetings (1977)

" 'Meeting' means the gathering of members of a public body at which a quorum is present to deliberate toward a decision or to make a decision on any matter over which the public body has supervision, control, jurisdiction or advisory power.

"Except as otherwise provided in this subsection, 'public body' means any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including but not limited to any board, commission, committee, subcommittee or other subsidiary thereof. 'Public body' does not include the legislature of the State of Nevada."

NEW HAMPSHIRE

Public Records (1975)

New Hampshire law provides no formal definition of open records, stating only that "Every citizen . . . has the right to inspect all public records, including minutes of meetings of the bodies or agencies. . . ." The law does provide, however, that the records of the following bodies are exempt from disclosure:

"(I) grand and petit juries; (II) parole and pardon boards; (III) personal school records of pupils; (IV) records pertaining to internal personnel practices, confidential, commercial, or financial information, personnel, medical, welfare, and other files whose disclosure would constitute invasion of privacy."

Public Meetings (1977)

"The term 'public proceedings' as used in this chapter means the transaction of any functions affecting any or all citizens of the state by any of the following:

"I. The general court including executive sessions of committees;

"II. The governor's council;

"III. Any board or commission of any state agency or authority;

"IV. Any board, commission, agency or authority, of any county, town, municipal corporation, school district, or other political subdivision, or any committee, subcommittee or subordinate body thereof, or advisory committee thereto.

"For the purpose of this section, a 'meeting' shall mean the convening of a quorum of the membership of a public body, as provided (above) . . . to discuss or act upon a matter or matters over which the public body has supervision, control, jurisdiction or advisory power."

NEW JERSEY

Public Records (1973)

"[A]ll records which are required by law to be made, maintained or kept on file by any board, body, agency, department, commission or official of the State or of any political subdivision thereof or by any public board, body, commission or authority created pursuant to law by the State or any of its political subdivisions, or by any official acting for or on behalf thereof . . . shall, for the purposes of this act, be deemed to be public records."

Public Meetings (1975)

" 'Meeting' means and includes any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

" 'Public body' means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation or any political party committee organized under Title 19 of the Revised Statutes.

" 'Public business' means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business."

NEW MEXICO

Public Meetings (1974)

"All meetings of a quorum of members of any board, commission or other policy-making body of any state agency, or any agency or authority of any county, municipality, district or any political subdivision held for the purpose of formulating public policy, discussing public business or for the purpose of taking any action within the authority of or the

delegated authority of such board, commission or other policy-making body, are declared to be public meetings open to the public at all times, except as otherwise provided in the constitution or the provisions of this act. . . .

"The provisions of this section shall not apply to adjudicatory or personnel matters nor to meetings pertaining to issuance, suspension, renewal or revocation of a license, nor meetings of grand juries. . . .

"All meetings of a quorum of members of any committee or policy-making body of the state legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of such committee or body are declared to be public meetings open to the public at all times. . . .

"For the purposes of this section, 'meeting' means a gathering of the members called by the presiding officer of a standing committee."

Public Records (1975)

" 'Public records' means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein. Library or museum material of the state library, state institutions and state museums, extra copies of documents preserved only for convenience of reference, and stocks of publications and processed documents are not included;

" 'Agency' means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico. . . ."

NEW YORK

Public Records (1977)

" 'Record' means any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes.

" 'Agency' means any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental or proprietary function for the state or any one or more municipalities thereof, except the judiciary or the state legislature."

Public Meetings (1976)

" 'Meeting' means the formal convening of a public body for the purpose of officially transacting public business.

" 'Public body' means any entity, for which a quorum is required in order to transact public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law."

NORTH CAROLINA

Public Records (1975)

" '[P]ublic records' shall mean all documents, papers, letters, maps, books, photographs, films, sound recording, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government."

Public Meetings (1978)

" 'Official meeting' means any meeting, assembly, or gathering together at any time or place of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body; provided, however, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of this Article.

"As used in this Article, 'public body' means any authority, board, commission, committee, council, or other body of the State, or of one or more counties, cities, school administrative units, or other political subdivisions or public corporations in the State that is composed of two or more members and

"(1) exercises or is authorized to exercise any legislative, policy-making, quasi-judicial, administrative, or advisory function; and

"(2) is established by (i) the State Constitution, (ii) an act or resolution of the General Assembly, (iii) a resolution or order of a State agency, pursuant to a statutory procedure under which the agency establishes a political subdivision or public corporation, (iv) an ordinance, resolution, or other action of the governing board of one or more counties, cities, school administrative units, or other political subdivisions or public corporations, or (v) an Executive Order of the Governor or formal action of the head of a principal State office or department, as defined in G.S. 143A-11 and G.S. 143B-6, or of a division thereof.

"In addition, 'public body' means a committee of a public body and the governing board of a 'public hospital,' as defined in G.S. 159-39. This provision shall not apply to committees which are not policy making bodies of public hospitals.

" 'Public body' does not include and shall not be construed to include meetings among the professional staff of a public body, unless the staff members have been appointed to and are meeting as an authority, board, commission, committee, council, or other body established by one of the methods listed in subdivision . . . (2) of this section."

NORTH DAKOTA

Public Records (1957)

"Except as otherwise specifically provided by law, all records of public or governmental bodies, boards, bureaus, commissions or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds shall be public records. . . ."

Public Meetings (1977)

"Except as otherwise specifically provided by law, all meetings of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be open to the public."

OHIO

Public Records (1965)

"As used in this section, 'public record' means any record required to be kept by any governmental unit, including, but not limited to, state, county, city, village, township, and school district units, except records pertaining to physical or psychiatric examinations, adoption, probation, and parole proceedings, and records the release of which is prohibited by state or federal law."

Public Meetings (1975)

" 'Meeting' means any prearranged discussion of the public business of the public body by a majority of its members.

" 'Public body' means any board, commission, committee, or similar decision-making body of a state agency, institution, or authority, and any legislative authority or board, commission, committee, agency, authority, or similar decision-making body of any county, township, municipal corporation, school district, or other political subdivision or local public institution."

OKLAHOMA

Public Records (1972)

Oklahoma law provides no definition of "public records" but states:

"It is hereby made the duty of every public official of the State of Oklahoma, and its subdivisions, who are required by law to keep public records pertaining to their said offices, to keep the same open for public inspection for proper purposes, at proper times and in proper manner, to the citizens and taxpayers of this State. . . ."

Public Meetings (1977)

" 'Meeting' means the conducting of business of a public body by a majority of its members being personally together.

" 'Public body' means the governing bodies of all municipalities located within the State of Oklahoma, boards of county commissioners of the counties in the State of Oklahoma, boards of public and higher education in the State of Oklahoma and all boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups in the State of Oklahoma supported in whole or in part by public funds or entrusted with the expending of public funds, or administering public property, and shall include all committees or subcommittees of any public body. It shall not mean the state judiciary or the State Legislature or administrative staffs of public bodies, including, but not limited to, faculty meetings and athletic staff meetings of institutions of higher education, when said staffs are not meeting with the public body."

OREGON

Public Records (1973)

" 'Public record' includes any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of physical form or characteristics.

" 'Writing' means handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, or other documents. . . .

" 'Public body' includes every state officer, agency, department, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other public agency of this state.

" 'State agency' includes every state officer, agency, department, division, bureau, board and commission."

Public Meetings (1973)

" 'Meeting' means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on-site inspection of any project or program.

" 'Public body' means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

" 'Governing body' means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

" 'Decision' means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present."

PENNSYLVANIA

Public Records (1957)

" 'Public record.' Any account, voucher or contract dealing with the receipt or disbursement of funds by an agency or its acquisition, use or disposal of services or of supplies, materials, equipment or other property and any minute, order or decision by an agency fixing the personal or

property rights, privileges, immunities, duties or obligations of any person or group of persons: Provided, that the term 'public records' shall not mean any report, communication or other papers, the publication of which would disclose the institution, progress or result of an investigation undertaken by an agency in the performance of its official duties or any record, document, material, exhibit, pleading, report, memorandum or other paper, access to or the publication of which is prohibited, restricted or forbidden by statute law or order or decree of court, or which would operate to the prejudice or impairment of a person's reputation or personal security, or which would result in the loss by the Commonwealth or any of its political subdivisions or commissions or State or municipal authorities of Federal funds, excepting therefrom however the records of any conviction for any criminal act. . . .

" 'Agency.' Any department, board or commission of the executive branch of the Commonwealth, any political subdivision of the Commonwealth, the Pennsylvania Turnpike Commission, or any State or municipal authority or similar organization created by or pursuant to a statute which declares in substance that such organization performs or has for its purpose the performance of an essential governmental function."

Public Meetings (1974)

Pennsylvania law provides that "meetings or hearings of every agency at which formal action is scheduled or taken are public meetings. . . ." The law offers no further definition of "meeting" but defines "agency" and "formal action" as follows:

" 'Agency' means any branch, department, board, authority or commission of the Commonwealth of Pennsylvania, any political subdivision of the Commonwealth, or any State, municipal, township or school authority, school board, school governing body, commission, the board of trustees of all State-aided colleges and universities, the board of trustees of all State-owned and State-related colleges and universities and all community colleges, or similar organization created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function: Provided, That the term 'agency' shall include the General Assembly, or any State department, board, authority or commission to include the Governor's cabinet when meeting on official policy making business.

" 'Formal action' means the taking of any vote on any resolution, rule, order, motion, regulation or ordinance or the setting of any official policy. Meetings, pre-trial conferences, hearings, and formal action by the judiciary or judicial branch shall not be subject to the provisions of this act. . . .

"For the purpose of this act, meetings of the Legislature which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken, all sessions of the House of Representatives and the Senate. Not included in the intent of this act are party caucuses."

RHODE ISLAND

Public Records

Rhode Island has no public records law.

Public Meetings (1976)

" 'Meeting' means the convening of a public body to formally discuss and act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

" 'Public body' means any department, agency, commission, committee, board or council or any subdivision thereof of the executive or legislative branch of state or municipal government. For purposes of this section, any political party, organization or unit thereof meeting or convening for any purpose, is not and should not be considered to be a public body."

SOUTH CAROLINA

Public Records and Meetings (1978)

" 'Public record' includes all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of or retained by a public body. Records such as income tax returns, medical records, hospital medical staff reports, scholastic records, adoption records and other records which by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this act nor shall the definition of public records include those records concerning which the public body, by favorable public vote of three-fourths of the membership taken within fifteen working days after receipt of written request, concludes that the public interest is best served by not disclosing them. Provided, however, nothing herein shall authorize or require the disclosure of records of the Board of Financial Institutions pertaining to applications and surveys for charters and branches of banks and savings and loan associations or surveys and examinations of such institutions required to be made by law.

" 'Meeting' means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

" 'Public body' means any department of the State, any state board, commission, agency and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts and special purpose districts, or any organization, corporation or agency supported in whole or in part by public funds or expending public funds and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, such bodies as the South Carolina Public Service Authority and the South Carolina State Ports Authority.

" 'Person' includes any individual, corporation, partnership, firm, organization or association."

SOUTH DAKOTA

Public Records (1935)

"In every case where the keeping of a record or the preservation of a document or other instrument is required of an officer or public servant under the laws of this state, such record, document, or other instrument shall be . . . kept available and open. . . ."

Public Meetings (1965)

"Except as otherwise provided by law, the official meetings of the state and the political subdivisions thereof, including all related boards, commissions and other agencies, and the official meetings of boards, commissions and agencies created by statute or which are nontaxpaying and derive a source of revenue directly from public funds, shall be open to the public, except as herein provided."

TENNESSEE

Public Records (1975)

" 'Public record' or 'public records' shall mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing output, films, sound recordings, or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency."

Public Meetings (1974)

" 'Meeting' means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Meeting does not include any on site inspection of any project or program.

"Nothing in this section shall be construed as to require a chance meeting of two (2) or more members of a public body to be considered a public meeting. No such chance meetings, informal assemblages, or electronic communication shall be used to decide or deliberate public business in circumvention of the spirit or requirements of this chapter.

" 'Governing body' means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration."

TEXAS

Public Records (1973)

" 'Public records' means the portion of all documents, writings, letters, memoranda, or other written, printed, typed, copied, or developed materials which contains public information.

"All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information. . . .

" 'Governmental body' means:

"(A) any board, commission, department, committee, institution, agency, or office within the executive or legislative branch of the state government, or which is created by either the executive or legislative branch of the state government, and which is under the direction of one or more elected or appointed members;

"(B) the commissioners court of each county and the city council or governing body of each city in the state;

"(C) every deliberative body having rulemaking or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city;

"(D) the board of trustees of every school district, and every county board of school trustees and county board of education;

"(E) the governing board of every special district;

"(F) the part, section, or portion of every organization, corporation, commission, committee, institution, or agency which is supported in whole or in part by public funds, or which expends public funds. Public funds as used herein shall mean funds of the State of Texas or any governmental subdivision thereof;

"(G) the Judiciary is not included within this definition."

Public Meetings (1977)

" 'Meetings' means any deliberation between a quorum of members of a governmental body at which any public business or public policy over which the governmental body has supervision or control is discussed or considered, or at which any formal action is taken. It shall not be construed that the intent of this definition is to prohibit the gathering of members of the governmental body in numbers of a quorum or more for social functions unrelated to the public business which is conducted by the body or for attendance of regional, state, or national conventions or workshops as long as no formal action is taken and there is no deliberation of public business which will appear on the agenda of the respective body.

" 'Deliberation' means a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business.

" 'Governmental body' means any board, commission, department, committee, or agency within the executive or legislative department of the state, which is under the direction of one or more elected or appointed members; and every Commissioners Court and city council in the state, and every deliberative body having rule-making or quasi-judicial power and classified as a department, agency, or political subdivision of a county or city; and the board of trustees of every school district, and every county board of school trustees and county board of education; and the governing board of every special district heretofore or hereafter created by law."

UTAH

Public Records (1951)

Utah law offers only a vague definition of "public writing," stating:

"Public writings are divided into four classes: (1) laws; (2) judicial records; (3) other official documents; (4) public records, kept in this state, of private writings, which such records may be made by handwriting, typewriting, or as a photostatic, microphotographic, photographic, or similar reproduction of such private writings. . . .

"Every citizen has a right to inspect and take a copy of any public writing of this state except as otherwise expressly provided by statute."

Public Meetings (1978)

" 'Meeting' means the convening of a public body, with a quorum present, whether corporal or by means of electronic equipment, for the purpose of discussing or acting upon a matter over which the public body has jurisdiction or advisory power. This chapter shall not apply to chance meetings. 'Convening,' as used in this subsection, is defined

to mean the calling of a meeting of a public body by a person or persons authorized to do so for the express purpose of discussing or acting upon a subject over which such public body has jurisdiction.

" 'Public body' means any administrative, advisory, executive or legislative body of the state or its political subdivisions which consists of two or more persons that expends, disburses or is supported in whole or in part by tax revenue and which is vested with the authority to make decisions regarding the public's business. 'Public body' does not include any political party, group or caucus or rules or shifting committees of the legislature. . . .

"This chapter shall not apply to any chance meeting or a social meeting. No chance meeting or social meeting shall be used to circumvent this chapter."

VERMONT

Public Records (1975)

" '[P]ublic record' or 'public document' means all papers, correspondence, staff reports, individual salaries, salary schedules or any other written or recorded matters produced or acquired in the course of agency business. . . .

"A public agency is any agency, board, department, commission, committee, branch or authority of the state or any agency, board, committee, department, branch, commission or authority of any political subdivision of the state, including private schools designated as public schools under section 827 of Title 16."

Public Meetings (1973)

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any town, county, municipal corporation, school district, or any other political subdivision, or of any committee of any of the foregoing boards or commissions, are declared to be public meetings. . . .

"Nothing in this section or in section 313 of this title shall be construed as extending to the judicial branch of the government of Vermont or of any part of the same; nor shall it extend to the deliberations of any commission, board, or council acting in a judicial or quasi-judicial capacity; nor shall anything in this section be construed to require the making public of any proceedings, records, or acts which are specifically made confidential by the laws of the United States of America or of this state. . . .

"The Senate and House of Representatives, in exercising the power to make their own rules conferred by Chapter II of the Vermont Constitution, shall be governed by the provisions of this section in regulating the admission of the public as provided in Chapter II, section 8 of the Constitution."

VIRGINIA

Public Records and Meetings (1978)

"(a) 'Meeting' or 'meetings' means the meetings, when sitting as a body or entity, or as an informal assemblage of the constituent membership, whenever held, with or without minutes being taken, whether or not votes are cast, or any legislative body, authority, board, bureau, commission, district or agency of the State or of any political subdivision of the State, including cities, towns and counties; municipal councils, governing bodies of counties, school boards and planning commissions; and other organizations, corporations or agencies in the State, supported wholly or principally by public funds. The notice provisions of this chapter shall not apply to the said informal meetings or gatherings of the members of the General Assembly. Nothing in this chapter shall be construed to make unlawful the gathering or attendance of two or more members of a body or entity at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the body or entity.

"(b) 'Official records' means all written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of a public body in the transaction of public business.

"(c) 'Executive meeting' or 'closed meeting' means a meeting from which the public is excluded.

"(d) 'Open meeting' or 'public meeting' means a meeting at which the public may be present.

"(e) 'Public body' shall mean any of the groups, agencies or organizations enumerated in (a) of this section.

"The provisions of this chapter shall not be applicable to:

"(1) Boards of visitors or trustees of State-supported institutions of higher education. . . .

"(2) Parole boards; petit juries, grand juries; and the Virginia State Crime Commission."

WASHINGTON

Public Records (1977)

" 'Public record' includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

" 'Writing' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

" 'Agency' includes all state agencies and all local agencies. 'State agency' includes every state office, department, division, bureau, board, commission, or other state agency. 'Local agency' includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency."

Public Meetings (1971)

" 'Meeting' means meetings at which action is taken.

" 'Public agency' means:

"(a) Any state board, commission, committee, department, educational institution or other state agency which is created by or pursuant to statute, other than courts and the legislature.

"(b) Any county, city, school district, special purpose district or other municipal corporation or political subdivision of the state of Washington;

"(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance or other legislative act, including but not limited to planning commissions, library or park boards, and other boards, commissions and agencies.

" 'Governing body' means the multimember board, commission, committee, council or other policy or rule-making body of a public agency.

" 'Action' means the transaction of the official business of a public agency by a governing body including but not limited to a collective decision made by a majority of the members of a governing body, a collective commitment or promise by a majority of the members of a governing body to make a positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance."

WEST VIRGINIA

Public Records (1977)

" 'Public record' includes any writing containing information relating to the conduct of the public's business, prepared, owned and retained by a public body.

" 'Writing' includes any books, papers, maps, photographs, cards, tapes, recordings or other documentary materials regardless of physical form or characteristics. . . .

" 'Public body' means every state officer, agency, department, including the executive, legislative and judicial departments, division, bureau, board and commission; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority."

Public Meetings (1978)

" 'Meeting' means the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter, but such term does not include (a) any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceeding, (b) any on-site inspection of any project or program, or (c) any political party caucus. . .

" 'Public body' means any executive, legislative or administrative body or agency of this State or any political subdivision, or any commission, board, council, bureau, committee or subcommittee or any other agency of any of the foregoing, and such term shall not be construed to include the judicial branch of government, state or local. . .

" 'Governing body' means the members of any public body having the authority to make decisions for or recommendations to a public body on policy or administration, the membership of which governing body consists of two or more members. . .

" 'Political subdivision' means any county, county board of education or municipality or any other political subdivision of this State. . .

" 'Decision' means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present. . . ."

WISCONSIN

Public Records (1917)

"Public records for the purposes of this section are defined as all records, documents, correspondence, original papers, files, manuscripts, or other materials bearing upon the activities and functions of the department or agency or its officers or employees."

Public Meetings (1976)

" 'Meeting' means the convening of members of a governmental body for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power or duties delegated to or vested in the body. The term does not include any social or chance gathering or conference which is not intended to avoid this subchapter.

" 'Governmental body' means a state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order; a governmental or quasi-governmental corporation; or a formally constituted subunit of any of the foregoing, but excludes any such body or committee or subunit of such body which is formed for or meeting for the purpose of collective bargaining. . . ."

WYOMING

Public Records (1971)

"The term 'public records' when not otherwise specified shall include any paper, correspondence, form, book, photograph, photostat, film, microfilm, sound recording, map, drawing, or other document, regardless of physical form or characteristics, and including all copies thereof, that have been made by the State of Wyoming and any counties, municipalities and political subdivisions thereof and any agencies of the State of Wyoming, counties, municipalities, and political subdivisions thereof, or received by them in connection with the transaction of public business, except those privileged or confidential by law.

"Public records shall be classified as follows:

"(A) The term 'official public records' shall include all original vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use and disposition of all public property and public income from all sources whatsoever; all agreements and contracts to which the State of Wyoming or any agency or subdivision thereof may be party; all fidelity, surety and performance bonds; all claims filed against the State of Wyoming or any agency or subdivision thereof; all records or documents required by law to be filed with or kept by any agency or the State of Wyoming; and all other documents or records determined by the records committee to be official public records.

"(B) The term 'office files and memoranda' shall include all records, correspondence, exhibits, books, booklets, drawings, maps, blank forms, or documents not above

defined and classified as official public records; all duplicate copies of official public records filed with any agency of the State of Wyoming or subdivision thereof; all documents and reports made for the internal administration of the office to which they pertain but not required by law to be filed or kept with such agency; and all other documents or records, determined by the records committee to be office files and memoranda.

"The term 'writings' means and includes all books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics.

"The term 'political subdivision' means and includes every county, city and county, city, incorporated and unincorporated town, school district and special district within the state."

Public Meetings (1973)

" 'Meeting' means an assembly of the governing body of an agency at which action is taken;

" 'Action' means the transaction of official business of an agency including a collective decision of a governing body, a collective commitment or promise by a governing body to make a positive or negative decision, or an actual vote by a governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance;

" 'Agency' means any authority, bureau, board, commission, committee, or subagency of the state, a county, a municipality or other political subdivision which is created by or pursuant to the Wyoming constitution, statute, or ordinance, other than the state legislature and the judiciary."